

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID D. PALMER,

Plaintiff,

v.

JANET M. MAHON and  
GEORGE MAHON,

Defendants.

No. 4:17-CV-01515

(Judge Brann)

(Magistrate Judge Saporito)

**ORDER**

**JUNE 29, 2018**

1. On December 22, 2017, Defendants moved to dismiss Plaintiff's Complaint for lack of subject matter jurisdiction. ECF No. 18.
2. In a June 1, 2018 Report and Recommendation, Magistrate Judge Joseph F. Saporito, Jr., recommended granting that motion in part and denying it in part. ECF No. 28.
3. Neither party has objected to the Report and Recommendation. *See* ECF No. 29.
4. This Court has reviewed the Report and Recommendation and finds "no clear error on the face of the record."<sup>1</sup>

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<sup>1</sup> *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010).

5. Therefore, **IT IS HEREBY ORDERED** that:
- a. Magistrate Judge Saporito's Report and Recommendation, ECF No. 28, is **ADOPTED IN ITS ENTIRETY**.
  - b. Defendant's Motion to dismiss is **GRANTED IN PART** and **DENIED IN PART** as follows:
    - i. Plaintiff's Complaint, ECF No. 1, is **DISMISSED** to the extent it seeks an order directing the Defendants to render an accounting with respect to the Estate of Charles W. Palmer; but
    - ii. The motion is otherwise **DENIED**, and the remainder of Plaintiff's claims survive.
  - c. This matter is remanded to Magistrate Judge Saporito for further proceedings.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge